

computer or a remote communication device, not from a computer to a pump. Page 3, paragraph 34, lines 5-7 and 21-29 of Estes explains:

In preferred embodiments, an external infusion device 100 can download stored information through the communication station 130. . . Moreover, the information, programs and data may be downloaded to a remote or local PC, laptop, communication station or the like, for analysis and review by a trained professional through the transceiver. The data may also be downloaded through a communication station 130 to a remotely located computer 132 such as a PC, Laptop, or the like, over communication lines 134, such as by wired, modem, wireless connection or other electronic communication methods."

The information illustrated in Figure 5 and discussed in the office action is either entered directly into a computer or downloaded from the pump to the computer, not vice versa.

For these reasons, as well as the reasons set forth in the Amendment and Response filed on July 2, 2004, the applicant respectfully submits that the claimed invention is patentably distinct from Estes and request withdrawal of the pending rejection.

2. Claim 8

The office action cites three new passages in maintaining this rejection. However, these passages still do not teach the claimed act of "receiving from a computer, a plurality of data sets, each data set containing a plurality of operating parameters."

For example, page 6, paragraph 60, lines 6-8 of Estes teaches, "The event markers can be logged into the pump and stored for later downloading or entered directly into the running software program." This passage teaches downloading from a pump to a PC computer or a remote communication device, not from a computer to a pump. Page 3, paragraph 34, lines 5-7 and 21-29 of Estes explains:

In preferred embodiments, an external infusion device 100 can download stored information through the communication station 130. . . Moreover, the information, programs and data may be downloaded to a remote or local PC, laptop, communication station or the like, for analysis and review by a trained professional through the transceiver.

The data may also be downloaded through a communication station 130 to a remotely located computer 132 such as a PC, Laptop, or the like, over communication lines 134, such as by wired, modem, wireless connection or other electronic communication methods."

The information illustrated in Figure 5 and discussed in the office action is either entered directly into a computer or downloaded from the pump to the computer, not vice versa.

For these reasons, as well as the reasons set forth in the Amendment and Response filed on July 2, 2004, the applicant respectfully submits that the claimed invention is patentably distinct from Estes and request withdrawal of the pending rejection.

3. Claims 12-23

In support of the rejection of these claims, the office action discusses examples such as "take a break bolus" as taught on page 8, paragraph 72 of Estes. Any bolus delivered upon activating a "take a break bolus" is incidental to the function and Estes does not teach labeling a set of data for delivering a bolus. Estes does not teach that "take a break bolus" is a part of a data set. Furthermore, Estes does not teach that a user can assign the name of a function (e.g., "take a break bolus") and it is presumably preprogrammed.

In sharp contrast, claims 12 and 19 set forth that the uniquely identifying name is a part of the data set--not the name of a function. Additionally, claim 12 sets forth selecting the uniquely identifying name thereby assigning the set of operating parameters identified by the uniquely identifying name to the delivery program.

For these reasons, as well as the reasons set forth in the Amendment and Response filed on July 2, 2004, the applicant respectfully submits that the claimed invention is patentably distinct from Estes and request withdrawal of the pending rejection.

4. Conclusion